(24)

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(S) No.4602 of 2007**

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| **PETITIONER** | | Chandrika Prasad Sharma, S/o. Shri Chandulal Sharma, Aged about 58 years, Occupation- Asstt. Teacher, Govt. Hr. Sec. School, Supela, Durg (C.G.) |
| | | ***Versus*** |
| **RESPONDENTS** | 1. | State of Chhattisgarh, Through- The Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.) |
| | 2. | The Director, Public Instruction Department, Chhattisgarh Govt. Raipur |
| | 3. | District Education Officer Durg, Distt.- Durg (C.G.) |
| | 4. | Principal Govt. Hr. Sec. Supela, Distt.- Durg (C.G.) |

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

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**Appearance:**

Shri Vipin Tiwari, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy

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**ORAL ORDER**
**(08.08.2007)**

**SUNIL KUMAR SINHA, J.**

Heard.

Learned counsel for the petitioner submits that the petitioner is working as an Assistant Teacher in Govt. Higher Secondary School, Supela. He also submits that his wife is working as an Assistant Teacher in Adarsh Prathmik Shala, Sector-4, Bhilai, Durg. The grievance of the petitioner is that the house rent allowance of the petitioner has been stopped on the ground that the petitioner has not produced the certificate from the employer of his wife as to whether she is getting HRA or not? Learned counsel for the petitioner refers to the document (Annexure-P/3), which is a memo issued by District Education

Officer to Principal, in which the references of many circulars have been made and endorsement has been made to the petitioner to furnish a certificate that his wife is not getting any allowance from Bhilai Steel Plant. His submission is that though the husband and wife both are residing together and are working in two diferent departments, even then both are entitled to house rent allowance. He also submits that in this regard, he has made a representation to the Principal but no decision has been taken and presently the petitioner is not getting house rent allowance. He submits that a direction may be issued to the Principal or the concerned authority to dispose of the fresh representation, which the petitioner would file, regarding entitlement and payment of house rent allowance to the petitioner.

The prayer appears to be genuine. The same is allowed.

It is directed that if so advised, the petitioner may file a fresh representation along with copy of this order and copy of writ petition as also the documents annexed thereto before the concerned authority within a period of 15 days from today and if such a representation is filed, the same shall be disposed of as early as possible preferably within a period of one month from the date of filing of such representation.

With the aforesaid directions/observation, this petiton is finally disposed of.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

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